

IN RE: PETITION FOR ZONING VARIANCE
NW/4 West Road, 585' NE of the
c/l of Kenilworth Drive
(100 West Road)
9th Election District
4th Councilmanic District
West Road Limited Partnership
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-401-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a second freestanding business sign in an MLR zone with a surface area of 38.5 sq.ft., more or less, and a height of 25 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Gregg Bryant with the House Associates Development Company, Developer, appeared, testified and were represented by Stuart D. Kaplow, Esquire. Also appearing on behalf of the Petition was George E. Gavrellis. There were no Protestants.

Testimony indicated that the subject property, known as 100 West Road, consists of 4.95 acres zoned MLR, is the site of a five story office building. Mr. Bryant testified Petitioners are requesting the instant variance for a second freestanding sign at the rear of the property abutting I-695. Testimony indicated Petitioners' request is in response to the request of a lead tenant for the building, Charter Group, which requires either placement of a freestanding sign at the proposed location or signage on the existing building. Mr. Bryant testified the Petitioners would prefer the erection of the proposed freestanding sign rather than cluttering the building with additional signage, which would be permitted as a matter of right.

Mr. Gavrellis testified regarding the proposed location of the sign and its height in relationship to cars travelling on I-695. He indicated that the proposed height of the sign will be even with the height of cars travelling on the expressway. He further testified that in his opinion, the proposed sign will be shielded from the residences across I-695. Petitioners argued they would suffer practical difficulty if the relief requested were denied.

The Deputy Director of Planning submitted comments dated April 12, 1989 contending the proposed freestanding sign, which would be highly visible from the Beltway (I-695), would be aesthetically objectionable.

An area variance may be granted where strict application of the zoning regulations would cause a practical difficulty to the Petitioner and his property. McLean v. Solev, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the

requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of May, 1989 that the Petition for Zoning Variance to permit a second freestanding business sign in an MLR zone with a surface area of 38.5 sq.ft., more or less, and a height of 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

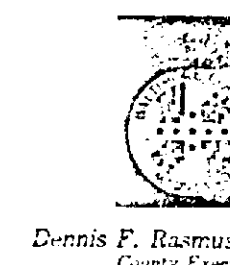
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

May 3, 1989



Stuart D. Kaplow, Esquire
Frank, Bernstein, Conway & Goldman
300 E. Lombard Street, Suite 1700
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
NW/4 West Road, 585' NE of the c/l of Kenilworth Drive
(100 West Road)
9th Election District - 4th Councilmanic District
West Road Limited Partnership - Petitioners
Case No. 89-401-A

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.6 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County to allow a second freestanding business sign in an MLR zone with a surface area of 38.54 square feet and a height of 25 feet (413.6.1.)

1. So that the owner of the subject property does not have to erect signs on the building (as permitted by Section 413.6) because and not in keeping with the design of the building;

2. So that the building can be identified as the corporate headquarters of the Charter Group, which was crucial to the Charter Group in its decision to locate in this location in Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
West Road Limited Partnership
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Gail M. Stern, Esquire
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Gail M. Stern, Esquire
Frank, Bernstein, Conway & Goldman
300 E. Lombard Street, Suite 1700
Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of May, 1989, at 2:00 o'clock.

(over)

DESCRIPTION

100 WEST ROAD

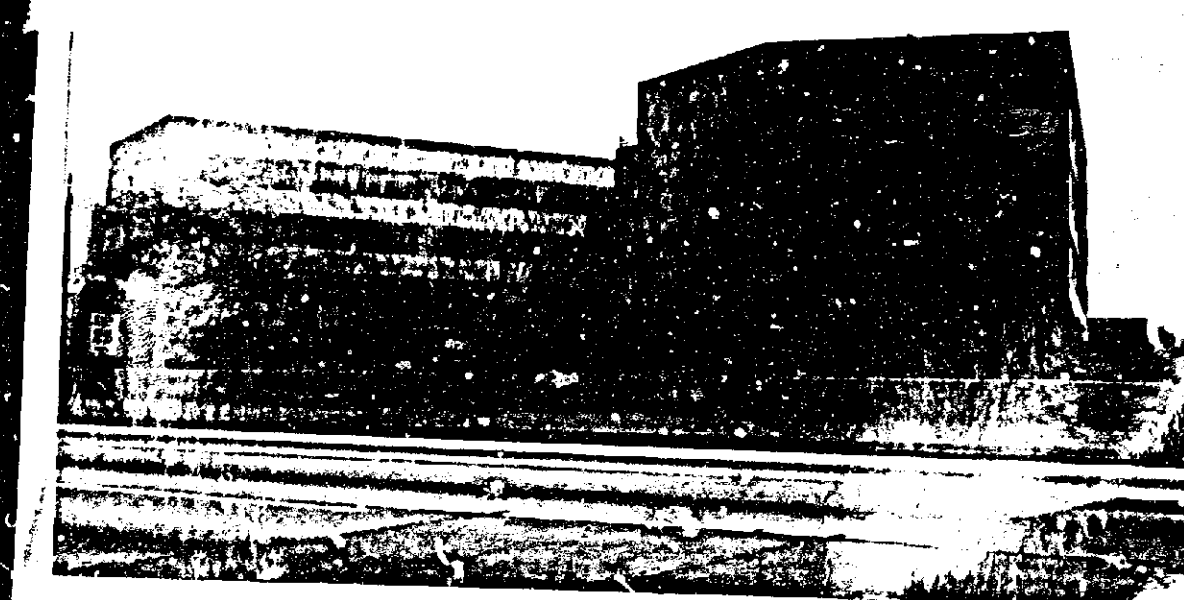
BEGINNING for the same at the point of intersection of the northwesterly side of West Road, 70 feet wide, as now laid out and existing, with the first or North 25°42' West 400 feet line of the lands conveyed to Cecil N. Rudnick and David L. Rudnick, co-partners by deed recorded among the Land Records of Baltimore County, Maryland in Liber 5418, Folio 840, said point of beginning also being located approximately 585 feet northeasterly of the centerline of Kenilworth Drive as measured along the northwesterly right-of-way line of West Road; thence running on the first line through a part of the twelfth line of said deed

- (1) North 32°04'07" West 612.26 feet on the northeasterly side of the former location of the Towson and Cockeysville Electric Railway Company's right-of-way, now abandoned;
- (2) North 57°25'25" East 47.82 feet to intersect the southern most right-of-way line of the Baltimore County Beltway as shown on State Roads Commission of Maryland Plats Nos. 10574 and 10575; thence binding on said right-of-way line of said beltway the following seven (7) lines
- (3) Easterly by a spiral curving to the left, the chord of which bears North 75°05'03" East 249.00 feet;
- (4) North 74°07'03" East 87.78 feet;
- (5) North 83°04'24" East 11.47 feet;
- (6) Easterly by a curve to the right having a radius of 630.00 for a distance of 90.00 feet, the chord of said arc bearing North 87°09'57" East 89.92 feet;
- (7) Southeasterly by a curve to the right having a radius of 230.00 feet for a distance of 46.00 feet, the chord of said arc bearing South 83°00'44" East 45.92 feet;
- (8) Southeasterly by a curve to the right having a radius of 147.55 feet for a distance of 112.38 feet, the chord of said arc bearing South 55°27'37" East 109.68 feet;

Page two

- (9) South 36°25'47" East 174.05 feet; thence leaving said beltway and binding reversely on the fourth, third and a part of the second lines of the parcel of land described in a deed dated August 12, 1963, and recorded among said land records in Liber R.R.G. 4187, Folio 52 the following three bearings and distances:
- (10) South 56°35'53" West 454.71 feet;
- (11) Southwesterly by a line curving to the left having a radius of 30.00 feet for a distance of 47.12 feet, the chord of said arc bearing South 11°35'53" West 42.42 feet, and
- (12) South 33°24'07" East 120.00 feet to the northwest side of West Road; thence running on the northwest side of said road
- (13) South 56°35'53" West 70.26 feet to the point of beginning.

CONTAINING 215,738.788 square feet or 4.95268 acres of land.

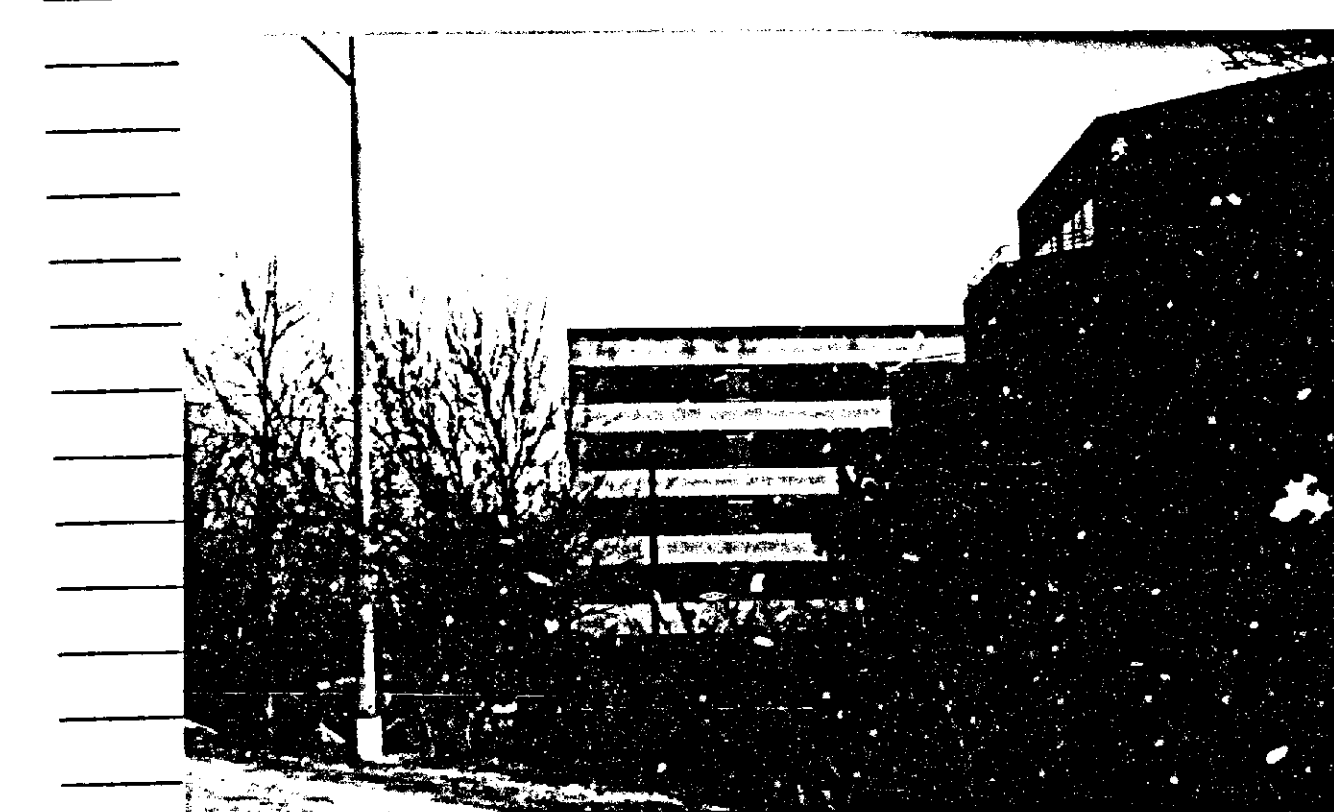


PETITIONER(S) EXHIBIT (2)



PETITIONERS SIGN-IN SHEET

NAME	ADDRESS
STANLEY D. KAWA	300 E. LANTANA 21202
Margaret Bryant	5950 Symphony Woods Road 21204
George F. GAVRIS	200 E. PENNSYLVANIA AVE 21204



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-401-A
Date of Posting: March 27, 1989
District: 9th
Posted for: Variance
Petitioner: West Road Limited Partnership
Location of property: NW/4 West Road, 585' NE c/l Kenilworth Drive
Location of Sign: NW/4 West Road, approx. 20' N.E. of the c/l of Kenilworth Drive
Remarks: L.J. Bryant
Posted by: L.J. Bryant
Number of Signs: 1
Date of return: April 7, 1989

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 17, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 16, 1989.

TOWSON TIMES,

S. Zeke Olson
Publisher

PO 10805
reg M27081
price \$104.81

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 17, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 16, 1989.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

PO 10805
reg M27081
price \$104.81

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 3/21/89

West Road Limited Partnership
5950 Symphony Woods Road, #300
Columbia, Maryland 21044

ATTN: CLAIRBORN M. CARR, III

Re: Petition for Zoning Variance
CASE NUMBER: 89-401-A
NW/4 West Road, 585' NE c/l Kenilworth Drive
100 West Road
9th Election District - 4th Councilmanic
Petitioner(s): West Road Limited Partnership
HEARING SCHEDULED: WEDNESDAY, APRIL 12, 1989 at 9:30 a.m.

Gentlemen:
Please be advised that \$19.51 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 109, Towson, Maryland 21204, 15 minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007512

DATE: 4/12/89 ACCOUNT: P-1-615-CCO

AMOUNT: \$ 119.81

RECEIVED FROM: West Road Ltd. Part.

FOR: P.A. 4/2/89 89-401-A

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

March 6, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-401-A
NW/4 West Road, 585' NE c/l Kenilworth Drive
100 West Road
9th Election District - 4th Councilmanic
Petitioner(s): West Road Limited Partnership
HEARING SCHEDULED: WEDNESDAY, APRIL 12, 1989 at 9:30 a.m.

Variance from Section 413.6 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County to allow a second freestanding business sign in a PLN zone with a surface area of 38.5 square feet and a height of 25 ft. (413.6.b).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: West Road Limited Partnership
Gail M. Stern, Esq.
File

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

10227 WINCOPIN CIRCLE
COLUMBIA, MARYLAND 21044
(301) 252-8417
7799 LEESSBURG PIKE
TYSONS CORNER, VIRGINIA 22043
(703) 853-4610

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(410) 825-3500
(703) 858-9676

118 WEST CHURCH STREET
FREDERICK, MARYLAND 21701
(301) 682-5335
6701 DEMOCRACY BOULEVARD
BETHESDA, MARYLAND 20817
(301) 897-8222

February 8, 1989

WRITER'S DIRECT NUMBER
(301) 825-3706

HAND DELIVERY

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning and Zoning
County Office Building-Room 109
Towson, Maryland 21204

Re: Petition for Zoning Variance
Item No.: 297
Petitioner: West Road Limited Partnership

Dear Mr. Haines:

On January 17, 1989, this firm filed a Petition for Zoning Variance on behalf of West Road Limited Partnership to allow a second freestanding business sign in a MLR zone. Petitioner has requested the variance on behalf of a tenant, the Charter Group, at the office building located at 100 West Road, Towson. The tenant has requested that a freestanding sign be located as shown on the Plat submitted with the Petition for Zoning Variance so that its offices may be easily located as the corporate headquarters of the Charter Group. The existing freestanding business sign on the property faces West Road and is not visible from Interstate 695.

We have been advised by the Zoning Office that a hearing will not be scheduled in this case until some time in April, 1989. At this time, we would like to request that an earlier hearing be scheduled for the following reasons. Initially, in negotiating this location, the landlord obligated itself to provide a freestanding sign to the tenant that would be visible from Interstate 695. At the time, the Petitioner believed that it was permitted under the zoning ordinance to erect such a sign. The Petitioner has since learned that a variance is necessary to erect a second freestanding business sign in the MLR zone. Unfortunately, this requisite identification. The Charter Group is currently occupying the premises and is anxiously awaiting resolution of this matter.

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

Mr. J. Robert Haines
February 8, 1989
Page Two

For the reasons stated above and in the Petition for Zoning Variance, we ask that a hearing be scheduled in connection with this matter at the earliest possible date. Should you have any questions, please do not hesitate to call me. I have enclosed a copy of the Petition for Zoning Variance and Plat for your convenience.

Very truly yours,
Therese Haas
Nancy Haas

NH:mvf
Enclosures
cc: Mr. Gregg Bryant
Gail M. Stern, Esquire

89-401-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
8th day of February, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee
Petitioner: West Road Limited Partnership
Petitioner: Gail M. Stern
Attorney

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 21, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Gail M. Stern, Esquire
Frank, Bernstein, Conaway & Goldman
300 E. Lombard Street, Suite 1700
Baltimore, MD 21202

RE: Item No. 297, Case No. 89-401-A
Petitioner: West Road Limited Partnership,
et al
Petition for Zoning Variance

Dear Ms Stern:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



Maryland Department of Transportation
State Highway Administration

Richard M. Trainor
Secretary
Hal Kassoff
Administrator

February 22, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
West Road Limited
Partnership
Zoning Meeting of 2-7-89
N/W 5 West Road, 585' N/E
of Kenilworth Drive
(I-695) (Baltimore
Beltway) at Exit 26
Item #297

Dear Mr. Haines:

After reviewing the submittal for a variance to allow a second freestanding business sign in a M.L.R. zone with a surface area of 38.5 square feet and a height of 25', we have the following comment.

We have forwarded this plan to the Highway Beautification Section, c/o Mr. Stein (333-1642) for all comments relative to zoning.

Very truly yours,

Frederick J. Mills, Jr.
Frederick J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Mr. Morris Stein (w-attachment)
Daft, McCune & Walker, Inc.
Mr. J. Ogle

RECEIVED
FEB 27 1989
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation
State Highway Administration

Quin - File

Richard M. Trainor
Secretary
Hal Kassoff
Administrator

March 17, 1989

RECEIVED
MAR 19 1989
ZONING OFFICE

Mr. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Signs for: West Road
Limited Partnership
McDonalds Corporation

Provident Bank
Item Nos: 297, 318 & 305.

Dear Mr. Haines:

The plans concerning the above have been reviewed and the proposed locations were inspected by a representative from the Highway Beautification Section.

This office has no objection to the placement of the signs at the given locations as per plans submitted; however, the signs cannot overhang the State's Right-of-Way.

If you need further information, please do not hesitate to contact this office.

Sincerely,

Mary I. Benner
Mary I. Benner
Acting Chief
Highway Beautification
Section

MIB:rjsk
cc: George Dawson, Inspector
R/W District #4
Brooklandville.

My telephone number is (301) 333-1641

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
494-3554

March 1, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 297, 298, 309, 310, 311, 312, 317, 319, 320, 321, & 323.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
MAR 3 1989
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinecke
Chief

February 14, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: West Road Limited Partnership

Location: NW/4 of West Road, 585' NE of the center-
line of Kenilworth Drive

Item No.: 297 Zoning Agenda: Meeting of February 7, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reinecke*
Planning & Zoning
Special Inspection Division

NOTED & APPROVED: *Paul H. Reinecke*
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: 4/12/89

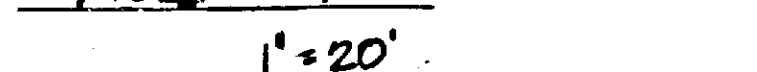
FROM: Pat Keller
Deputy Director of Planning

SUBJECT: ZONING ADVISORY COMMENTS

Case # 401-A
Item # 297
100 West Road

The Petitioner requests a variance to allow a second freestanding business sign of 38.5 square feet with a height of 25 feet. In reference to this request, staff offers the following comments:

A free standing sign highly visible from the Beltway is aesthetically objectionable. A well designed wall sign is preferable. The Variance should not be granted.



- 1990

DAFT · McCUNE · WALKER



1990

SCALE: 1" = 1'

JOB ORDER NO.

ISSUE DATE
12-14-88

RECEIVED